

// A special meeting of the Council of the City of Lynchburg, recessed from May 23, was held on the 13th day of June, 2006, at 2:00 P.M., Third Floor Conference Room, City Hall, Joan F. Foster, Vice President, presiding. The purpose of the meeting was to conduct interviews of candidates interested in serving on the Lynchburg School Board. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Absent: 0

// On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and specifically to conduct interviews of candidates seeking to serve on the Lynchburg School Board pursuant to Section 2.2-3711(A) (1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was re-opened to the public.

// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was adjourned at 4:17 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of June, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, Vice President, presiding. Council Member Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Absent: Johnson 1

// Copies of the minutes of the May 23, 2006 (two meetings) meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of City Council, City Council Report #2 was considered. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote canceled the City Council meetings of July 25, August 22 and December 26, as well as rescheduled the Council work sessions during the same three months:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #3 regarding adopting an Ordinance to vacate a portion of a paper street known as Boundary Avenue, which is located off of Elmwood Avenue. City Manager Kimball Payne provided a brief summary of the request. The petitioner, Margaret Vaughn, asked for support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-06-065, as presented, vacating a portion of a paper street known as Boundary Avenue, which is located off of Elmwood Avenue:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Property, a public hearing was held regarding the sale and conveyance of a three vacant lots of City-owned property located off of Third Street and behind 300 Madison Street to Wayne and Amy Brown for \$1,600. City Manager Kimball Payne provided a brief summary of the request. In response to Council questioning, Real Estate Manager Steve Lawson stated that letters were sent to all adjacent property owners notifying them of the sale of the property. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later

meeting for final action Resolution #R-06-066, as presented, approving the sale and conveyance of three vacant lots of City-owned property located off of Third Street and behind 300 Madison Street to Wayne and Amy Brown for \$1,600:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #5 outlining the petition of Thad Luxton to rezone approximately .228 acres at 3726 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential District, to B-1, Limited Business District, to allow the use of an existing structure as an office. City Planner Tom Martin provided a brief summary of the request. The petitioner, Thad Luxton, asked for approval of the rezoning request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-06-067, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #6 outlining the petition of DSZ Properties, LC to rezone approximately 3.87 acres at 2009 Lakeside Drive from R-2, Single-Family, to R-4, Multi-Family Residential District, to allow the construction of 36 townhouse units. City Planner Tom Martin provided a brief summary of the request. Earl Dickerson, Hurt & Proffitt, representing the petitioner, asked for approval of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-06-068, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Lynchburg College for a conditional use permit to allow college supervised student housing for four to ten students at 209 Amelia Street, 217 Bell Street, 518 Brevard Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street and 324 Vernon Street in an R-2, Single-Family Residential District. City Planner Tom Martin provided a brief summary of the request. Lynchburg College representatives Dr. Kenneth Garren, President, John Lewis, Business Manager, and John Eccles, Dean of Students/Residence Life outlined the request and asked for approval. Capt. Todd Swisher, Lynchburg Police Department, briefly outlined the partnership between the Police Department and Lynchburg College which has resulted in a substantial decline for requests for service in the

Lynchburg College area. Two citizens spoke in support of the request. Mr. Daniel May, who resides on College Street, spoke in opposition to the petition, citing the following concerns, i.e., students drinking in the streets, loud parties, open containers of alcohol, students crossing through private property, and students damaging his property. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members commented that over the past few years they have received fewer complaints from residents in the Lynchburg College area and contributed that to the efforts of Lynchburg College, and suggested that Mr. May continue to work with Lynchburg College in trying to resolve his concerns. On motion of Council Member Helgeson, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-06-069, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of JBO, LLC for a conditional use permit at 1207 and 1226 Greenvview Drive to allow the construction of a Traditional Neighborhood Development (TND) on a tract of approximately one hundred twenty three (123) acres in an R-1, Single-Family Residential District and R-C, Conservation District. Due to the large number of individuals present to speak to the zoning petition, City Council agreed to waive the normal time limits for zoning petitions and to allow each individual 3 minutes to speak and a group representative 5 minutes to speak. City Planner Tom Martin provided a brief overview regarding the request. Representatives of the petitioner, Mark Borel, Jeff Allen, and Sympoetica representatives Barry Carpenter and Phoebe Kilby provided an overview regarding the petition and asked for approval. In response to questioning, Mr. Borel stated that the developers for Cornerstone plan to build between 400 and 600 condominiums and apartments, 200 to 300 townhouses and 50 to 100 single-family homes and that the development will center around 100,000 to 200,000 square feet of retail space that can reach upwards of six stories. Seven individuals, including local builders, developers and homeowners, spoke in support of the petition. Fourteen individuals, including residents from the Windsor Hills and Greenvview Drive neighborhoods, spoke in opposition to the petition and asked that the Cornerstone development be modified or cancelled because it will bring in thousands of new people, six-story buildings and an influx of new traffic. Over fifty individuals stood in opposition to the petition. Some of the concerns expressed by those speaking in opposition included ... (1) cut-through traffic through the Windsor Hills neighborhood via the stub street connections, (2) the impact on the adjoining neighborhoods, streets and schools with the influx of a projected 2,300 additional people in the development, (3) the inclusion of six-story or 75-foot-high buildings would block the view of the mountains, (4) increased traffic, (5) the environmental impact of Cornerstone during and after construction, (6) the excessive number of entrances to the development from Greenvview Drive, and (7) insufficient buffering between the development and the Windsor Hills neighborhood. There was no one else present who

wished to speak to this item, and the public hearing was closed. In response to questioning, Mr. Borel stated that he supports the Planning Commission's decision to make bike and pedestrian walkways to connect Windsor Hills to the Cornerstone development instead of two roadways. Following the public hearing, City Council asked that the petition be scheduled for discussion at the June 27 work session.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 regarding the proposed Landscape Ordinance. City Planner Tom Martin asked that City Council consider an additional change to the ordinance, i.e., Sec. 35.1-25.1.7 (c) should be changed to read..."Parking areas with two hundred (200) or more parking spaces." Mr. Martin then provided an overview regarding the proposed ordinance. Mr. Christopher Wiley, American Electric Power Company, spoke in support of the ordinance. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-06-070, as amended, approving the Landscape Ordinance:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #10 authorizing the issuance of not to exceed \$10,500,000 principal amount of revenue obligations of the City in the form of sewer revenue bonds to provide funds to pay the cost of capital improvements to the City's sewer system. City Manager Kimball Payne provided a brief summary of the request. There was no one else present who wished to speak to this item. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-071, as presented, authorizing the issuance of not to exceed \$10,500,000 principal amount of revenue obligations of the City in the form of sewer revenue bonds to provide funds to pay the cost of capital improvements to the City's sewer system:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - General, City Council Report #11 was considered. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-06-072, as presented, approving a preliminary subdivision plat entitled "Plat Showing Lots 1-13, Towne Commons", made by Acres of Virginia, Inc., dated April 12, 2006, including the dedication and extension of two public streets, i.e., Millstone Road and Miles Place:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert	5
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - General, City Council Report #12 was considered. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote

adopted Resolution #R-06-073, as presented, approving a preliminary subdivision plat entitled "Plat Showing Lots 1 thru 51, Section 7, New Towne", made by Acres of Virginia, Inc., dated March 24, 2006, including the dedication and extension of a public street known as Wessex Road, and including the dedication of two proposed new public streets, i.e., "Ross Road" and "Bennett Drive":

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: 0

Absent: Johnson 1

// Council Member Johnson arrived at 10:32 p.m.

// In the matter of Public Works - General, City Council Report #13 regarding amending the FY 2006 General Fund Reserve for Contingencies and appropriating \$150,000 for the purpose of constructing a connector road from Atlanta Avenue to the Sam's Club/Wal-Mart parking lot on Wards Road was considered. City Planner Tom Martin provided a brief summary of the request, stating that the connector road would become a City street which would be owned and maintained by the City. Mr. Martin went on to say that the connector road would allow vehicular traffic to move from Cracker Barrel to Wards Ferry Road without the need of traveling on Wards Road and therefore improving the traffic conditions on Wards Road. Real Estate Manager Steve Lawson stated that he has discussed with Sam's Club/Wal-Mart officials the need for them to grant to the City ingress/egress easements and for their commitment to the long-term maintenance of a safe travel way for the traffic going to and from Atlanta Avenue. On motion of Council Member Gillette seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-074, as presented, amending the FY 2006 General Fund Reserve for Contingencies and appropriating \$150,000 for the purpose of constructing a connector road from Atlanta Avenue to the Sam's Club/Wal-Mart parking lot on Wards Road, conditioned upon receipt by the City of the appropriate guarantees from Sam's Club/Wal-Mart regarding ingress/egress easements and their commitment to the long-term maintenance of a safe travel way for the traffic going to and from Atlanta Avenue:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Gillette, Helgeson, Johnson, Seiffert 5

Noes: Dodson 1

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, Council by the following recorded vote re-appointed Barbara J. Coleman, Louise E. Mitchell and Mark J. Peake to serve on the Youth Services Citizens Board for terms to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Rev. James E. Coleman, Jr., Carl T. Conner, Jr. and Eyvonne H. Green to serve on the Youth Services Citizens Board for terms to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Todd Dovel to serve on the City Employees Appeal Board for a term to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed William L. Burnham to serve on the Central Virginia Community College Board for a term to expire June 30, 2010:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Melany A. Pearl to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Beatrice M. Hunter and Brenda H. Morton to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Louis C. Fischer, III, Scott Glass and Dr. James H. Mundy to serve on the Historic Preservation Commission for terms to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was recessed at 11:15 P.M. to June 27, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council